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Approved For Release 2002/06/05 : CIA-RDP79-00498A000500150005-5

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Approved For Release 2002/06/05 : CIA-RDP79-00498A000500150005-5

DD/A 75-6591

THE WHITE HOUSE

WASHINGTON

February 3, 1975

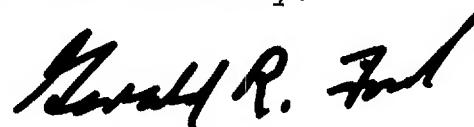
MEMORANDUM TO THE HEADS OF EXECUTIVE DEPARTMENTS
AND AGENCIES

I have issued this Executive Order to strengthen the occupational safety and health programs of all Federal agencies. It sets forth specific duties for the heads of Federal agencies to establish and maintain effective occupational safety and health programs in these agencies. It also authorizes the Secretary of Labor to assist in those duties and to issue guidelines tailored to individual agency needs.

As the Nation's largest employer, the Federal Government must set an example in the maintenance of safe and healthful working conditions for its employees. The Federal Government has reduced the rate of workplace injuries since 1965, but we cannot be satisfied as long as any avoidable accidents or illnesses occur.

The purpose of the Occupational Safety and Health Act of 1970 is to assure safe and healthful working conditions for all workers in the Nation. That Act contains special provisions to afford protection to Federal employees. It assigns responsibility to the head of each Federal agency to maintain an effective and comprehensive program consistent with the standards issued by the Secretary of Labor for private employees.

The issuance of this Executive Order and the attached guidelines of the Secretary of Labor, together with forthcoming actions by the Office of Management and Budget to promote agency awareness of the budgetary aspects of this program, should aid in your efforts to provide safe and healthful working conditions for the employees of your department or agency. Only your personal attention can ultimately achieve the goals we desire. The Secretary of Labor stands ready to assist you in your efforts. I look forward to receiving the evaluations of the Secretary of Labor regarding your achievements under the new Executive Order and the guidelines issued by the Secretary.



FOR IMMEDIATE RELEASE

SEPTEMBER 30, 1974

Office of the White House Press Secretary

THE WHITE HOUSE

EXECUTIVE ORDER

OCCUPATIONAL SAFETY AND HEALTH PROGRAMS
FOR FEDERAL EMPLOYEES

As the Nation's largest employer, the Federal Government has a special obligation to set an example for all employers by providing a safe and healthful working environment for its employees.

For more than three years, the Federal Government has been seeking to carry out these solemn responsibilities under the terms of Executive Order No. 11612, issued in 1971 and based upon the authorities granted by the landmark Occupational Safety and Health Act of 1970 as well as section 7902(c) of title 5, United States Code.

Considerable progress has been achieved under the 1971 executive order, but it is now clear that even greater efforts are needed. It is therefore necessary that a new order be issued, reflecting this Nation's firm and renewed commitment to provide exemplary working conditions for those devoted to public service.

The provisions of this order are intended to ensure that each agency head is provided with all the guidance necessary to carry out an effective occupational safety and health program within the agency. Further, to keep the President abreast of progress, this order provides for detailed evaluations of the agencies' occupational safety and health programs by the Secretary of Labor and transmittal of those evaluations, together with agency comments, to the President. In addition, the Federal Safety Advisory Council on Occupational Safety and Health is continued because of its demonstrated value as an advisory body to the Secretary of Labor.

Experience has shown that agency heads desire and need more detailed guidance from the Secretary of Labor to make their occupational safety and health programs more effective. This order provides that the Secretary of Labor shall issue detailed guidelines and provide such further assistance as the agencies may request.

NOW, THEREFORE, by virtue of the authority vested in me by section 7902 (c)(1) of title 5 of the United States Code, and as President of the United States, it is hereby ordered as follows:

SCOPE OF THIS ORDER

Section 1. For the purposes of this order, the term "agency" means an Executive Department, as defined in 5 U.S.C. 101, or any employing unit or authority of the

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Government of the United States not within an Executive Department. This order applies to all agencies of the Executive Branch of the Government; and by agreement between the Secretary of Labor (hereinafter referred to as the Secretary) and the head of an agency of the Legislative or Judicial Branches of the Government, the provisions of this order may be made applicable to such agencies. In addition, by agreement between the Secretary of Labor and the head of any agency, and to the extent permitted by law, the provisions of this order may be extended to employees of agencies who are employed in geographic locations to which the Occupational Safety and Health Act of 1970 is not applicable.

DUTIES OF HEADS OF AGENCIES

Sec. 2. The head of each agency shall, after consultation with representatives of the employees thereof, establish and maintain an occupational safety and health program meeting the requirements of section 19 of the Occupational Safety and Health Act (hereinafter referred to as the act). In order to ensure that agency programs are consistent with the standards prescribed by section 6 of the act, the head of each agency shall:

- (1) Designate or appoint, to be responsible for the management and administration of the agency occupational safety and health program, an agency official with sufficient authority to represent effectively the interest and support of the agency head.
- (2) Establish an occupational safety and health management information system, which shall include the maintenance of such records of occupational accidents, injuries, illnesses and their causes, and the compilation and transmittal of such reports based upon this information, as the Secretary may require pursuant to section 3 of this order.
- (3) Establish procedures for the adoption of agency occupational safety and health standards consistent with the standards promulgated by the Secretary pursuant to section 6 of the act; assure prompt attention to reports by employees or others of unsafe or unhealthful working conditions; assure periodic inspections of agency workplaces by personnel with sufficient technical competence to recognize unsafe and unhealthful working conditions in such workplaces; and assure prompt abatement of unsafe or unhealthful working conditions, including those involving facilities and/or equipment furnished by another Government agency, informing the Secretary of significant difficulties encountered in this regard.
- (4) Provide adequate safety and health training for officials at the different management levels, including supervisory employees, employees responsible for conducting occupational safety and health inspections, and other employees. Such training shall include dissemination of information concerning the operation of the agency occupational safety and health program and the means by which each such person may participate and assist in the operation of that program.

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(5) Submit to the Secretary on an annual basis a report containing such information as the Secretary shall prescribe.

(6) Cooperate with and assist the Secretary of Labor in the performance of his duties under section 19 of the act and section 3 of this order.

(7) Observe the guidelines published by the Secretary pursuant to section 3 of this order, giving due consideration to the mission, size and organization of the agency.

DUTIES OF THE SECRETARY OF LABOR

Sec. 3. The Secretary shall provide leadership and guidance to the heads of agencies to assist them in fulfilling their occupational safety and health responsibilities by, among other means, taking the following actions:

(1) Issue detailed guidelines to assist agencies in establishing and operating effective occupational safety and health programs appropriate to their individual missions, sizes, and organizations. Such guidelines shall reflect the requirement of section 19 of the act for consultation with employee representatives.

(2) Prescribe recordkeeping and reporting requirements to enable agencies to assist the Secretary in meeting the requirements imposed upon him by section 24 of the act.

(3) Provide such consultation to agencies as the Secretary deems necessary and appropriate to ensure that agency standards adopted pursuant to section 2 of this order are consistent with the safety and health standards adopted by the Secretary pursuant to section 6 of the act; provide leadership and guidance to agencies in the adequate occupational safety and health training of agency personnel; and facilitate the exchange of ideas and information throughout the Government with respect to matters of occupational safety and health through such arrangements as the Secretary deems appropriate.

(4) Perform for agencies, where deemed necessary and appropriate, the following services, upon request and reimbursement for the expenses thereof: (a) evaluate agency working conditions, and recommend to the agency head appropriate standards to be adopted pursuant to section 2 of this order to ensure that such working conditions are safe and healthful; (b) conduct inspections to identify unsafe or unhealthful working conditions, and provide assistance to correct such conditions; (c) train appropriate agency safety and health personnel.

(5) Evaluate the occupational safety and health programs of agencies, and submit to the President reports of such evaluations, together with agency responses thereto. These evaluations shall be conducted at least once annually for agencies employing more than 1,000 persons within the geographic locations to which the act applies, and as the Secretary deems appropriate for all other agencies, through such headquarters or field reviews as the Secretary deems necessary.

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(6) Submit to the President each year a summary report of the status of the Federal agency occupational safety and health program, as well as analyses of individual agency progress and problems in correcting unsafe and unhealthful working conditions, together with recommendations for improving their performance.

FEDERAL ADVISORY COUNCIL ON OCCUPATIONAL SAFETY AND HEALTH

Sec. 4. (a) The Federal Advisory Council on Occupational Safety and Health, established pursuant to Executive Order No. 11612, is hereby continued. It shall advise the Secretary in carrying out responsibilities under this order. This Council shall consist of fifteen members appointed by the Secretary and shall include representatives of Federal agencies and of labor organizations representing employees. At least five members shall be representatives of such labor organizations. The members shall serve for three-year terms with the terms of five members expiring each year, provided that this Council is renewed every two years in accordance with the Federal Advisory Committee Act. The members of the Federal Advisory Council on Occupational Safety and Health established pursuant to Executive Order No. 11612 shall be deemed to be its initial members under this order, and their terms shall expire in accordance with the terms of their appointments.

(b) The Secretary, or a designee, shall serve as the Chairman of the Council, and shall prescribe such rules for the conduct of its business as he deems necessary and appropriate.

(c) The Secretary shall make available necessary office space and furnish the Council necessary equipment, supplies, and staff services, and shall perform such functions with respect to the Council as may be required by the Federal Advisory Committee Act.

EFFECT ON OTHER POWERS AND DUTIES

Sec. 5. Nothing in this order shall be construed to impair or alter the powers and duties of the Secretary or the heads of other Federal agencies pursuant to section 19 of the Occupational Safety and Health Act of 1970, sections 7901, 7902, and 7903 of title 5 of the United States Code, or any other provision of law, nor shall it be construed to alter the provisions of Executive Order No. 11491, as amended, Executive Order No. 11636, or other provisions of law providing for collective bargaining agreements and procedures. Matters of official leave for employee representatives involved in activities pursuant to this order

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shall be determined between each agency and these representatives pursuant to the procedures under Executive Order No. 11491, as amended, Executive Order No. 11636, or applicable collective bargaining agreements.

TERMINATION OF EXISTING ORDER

Sec. 6. Executive Order No. 11612 of July 26, 1971, is hereby superseded.

GERALD R. FORD

THE WHITE HOUSE,

September 28, 1974

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